

Central Valley Regional Water Quality Control Board

1 May 2013

Russ Holcomb
General Manager
Malaga County Water District
3580 South Frank Street
Fresno, CA 93725

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2013-0527 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, MALAGA COUNTY WATER DISTRICT, WASTEWATER TREATMENT FACILITY, (NPDES CA0084239, RM 390069), FRESNO COUNTY

Enclosed is an Administrative Civil Liability Complaint (Complaint) issued pursuant to California Water Code section 13385 for violations of Waste Discharge Requirements (WDRs) Orders 99-100 and R5-2008-0033 (CA0084239) by Malaga County Water District (District) at its Wastewater Treatment Facility. The Complaint charges the District with civil liability in the amount of **\$72,000**, which represents the sum of the mandatory minimum penalties for effluent limitation violations that occurred from 1 February 2004 to 31 December 2012.

Pursuant to CWC section 13323, the District may:

1. Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **24 May 2013**, along with payment for the full amount;
2. Agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting it to this office by **24 May 2013**; or
3. Contest the Complaint and/or enter into settlement discussions with the Central Valley Water Board without signing the enclosed waiver.

If the District chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office, attention Lonnie Wass.

Should the Central Valley Water Board receive new information or comments during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint.

If the Central Valley Water Board does not receive a signed waiver by 24 May 2013, then a hearing will be scheduled for the **25/26 July 2013** Central Valley Water Board meeting in Rancho Cordova. The Central Valley Water Board, after consideration of a signed waiver, may, at its discretion, determine to proceed with the hearing as scheduled.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Jill Walsh, **no later than 5 p.m. on 24 May 2013**. This includes material submitted by the District to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Central Valley Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 24 May 2013** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

This complaint only addresses violations subject to mandatory minimum penalties. If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Jill Walsh at (559) 445-5130 or Warren Gross at (559) 445-5028.



LONNIE M WASS
Supervising Engineer

Enclosure: ACLC No. R5-2013-0527

cc w/ encl: Neal Costanzo, Law Offices of Costanzo & Assoc., Fresno

cc w/ encl (via e-mail):

Pamela Creedon, Central Valley Water Board, Rancho Cordova
Cris Carrigan, Office of Enforcement, SWRCB, Sacramento
Ellen Howard, Office of Enforcement, SWRCB, Sacramento
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
David Coupe, Office of Chief Counsel, SWRCB, Sacramento
Kenneth Greenberg, USEPA, Region 9, San Francisco
Fresno County Environmental Health Division, Fresno